

Cindy A. Cohn (SBN 145997)
cindy@eff.org
Marcia Hofmann (SBN 250087)
marcia@eff.org
Nathan D. Cardozo (SBN 259097)
nate@eff.org
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333
Facsimile: (415) 436-9993

Marco Simons (SBN 237314)
marco@earthrights.org
EARTHRIGHTS INTERNATIONAL
1612 K Street NW, Suite 401
Washington, DC 20006
Telephone: (202) 466-5188

Attorneys for Non-Party John Doe Movants

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHEVRON CORP.,

Plaintiff,

v.

STEVEN DONZIGER, *et al.*

Defendants.

Case No. 5:12-mc-80237 *CRB (NC)*

DECLARATION OF JOHN DOE # 2
(OWNER OF FIRGER@GMAIL.COM) IN
SUPPORT OF MOTION OF NON-PARTY
JOHN DOE MOVANTS TO QUASH
SUBPOENAS TO GOOGLE, INC. AND
YAHOO!, INC. SEEKING IDENTITY AND
EMAIL USAGE INFORMATION

1 Using my email address, firger@gmail.com, instead of my actual name, in order to protect my
2 identity pursuant to my rights under the First Amendment and California law, I declare as follows:

3 1. I am the owner of the email account firger@gmail.com. I have personal knowledge of
4 all matters set forth in this declaration. If called upon to do so, I could and would testify to all
5 matters set forth herein.

6 2. I am providing this declaration under my email address because I wish to protect my
7 rights to free speech and participation in associational activities. I also wish to avoid making moot
8 these very issues, which I have raised in this motion. A true and correct copy of my actual
9 signature for this document resides with my attorneys.

10 3. On September 17, 2012, I received notice from Google of a subpoena issued in *Chevron*,
11 *Corp. v. Donziger et al.*, Case No. 11-0691 (LAK) (S.D.N.Y.) for identifying and email usage
12 information associated with my email address. I am not a defendant in that case. I am now moving
13 to quash this subpoena.

14 4. I have worked for many years on a number of human rights, environmental and social
15 justice projects and campaigns. I am now an attorney. I also occasionally publish articles in
16 academic journals, a variety of well-known trade publications, and on blogs.

17 5. I was involved in the litigation against Chevron in Ecuador and related activism
18 campaign intermittently between 2006 and 2009, including as a volunteer legal for a brief period of
19 time in the summer of 2007. I have not been connected to the litigation or political campaign
20 surrounding the Chevron case since that time.

21 6. I have had this email address since 2004. I have used it as my primary account ever
22 since.

23 7. Keeping my account and location information private is very important to me for
24 personal and professional reasons. I have used this email address for my private personal
25 communications as well as communications with clients that include attorney-client privileged
26 material and other documents that may be privileged and/or confidential. I have also used it to
27 communicate with sources while writing articles and blog posts.
28

1 8. I have used this email account to engage in personal and professional communications
2 for approximately eight years. It is important to me that Chevron not have access to all my email
3 usage information and locations during that time period.

4 9. I believe strongly that my past travel locations are a matter of personal privacy.
5 Disclosing information linked to my whereabouts would create significant anxiety for me.

6 10. Had I known that my email usage information and location would be revealed, my
7 political activity at the time I was assisting with the litigation against Chevron would have been
8 chilled.

9 11. I am no longer active in the litigation against Chevron and have not been for some time,
10 but should Chevron gain access to my email usage records, it would intimidate me and deter me
11 from engaging in activism or litigation against Chevron in the future.

12 12. Should Chevron gain access to my account information, it would chill my activity more
13 generally as well, knowing that personal information about my email use and location could be
14 revealed concerning any activity that I might engage in. My use of my email account to
15 communicate with others would be chilled if Chevron were to obtain my account usage records.
16 My participation in future political and activism campaigns could also be chilled if Google releases
17 my identity and the details of my usage to Chevron.

18 13. I feel harassed by Chevron's attempt to obtain my email usage records and fear further
19 harassment should Chevron gain access to the details of my past involvement in the litigation and
20 political campaign against Chevron.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct. Executed on October 18 2012.

23
24 *firger@gmail.com*
25 FIRGER@GMAIL.COM
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